

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

Curves International, Inc.,

Plaintiff,

vs.

Linda S. Lewis

Defendant

Case Action No. 2007-CV-807-MHT

**ORDER OF DISMISSAL WITH  
PREJUDICE**

Pursuant to the Joint Stipulation of Dismissal submitted by the parties, the Court orders as follows:

1. Defendant and all those under her direction or control are prohibited, directly or indirectly, from owning, maintaining, engaging in, or having any interest in any fitness or weight loss center or any other business that provides fitness or weight loss services located within a radius of forty (40) miles of Deatsville, Alabama, as specifically identified in the parties' Franchise Agreement, until November 17, 2009.
2. The terms of paragraph 1 shall extend to Jordan's Gym a/k/a the Jordan Community Center, which shall be prohibited, directly or indirectly, from providing fitness or weight loss services until November 17, 2009.
3. Defendant and all those acting under her direction or control shall not use any of Curves' signs, posters, manuals, equipment, computers, promotional materials, check drafts, and other materials, including but not limited to telephone numbers formerly used in connection with Defendant's CURVES® business.

4. All claims and counterclaims that were brought or could have been brought in this action and which are not addressed above are hereby denied and dismissed with prejudice. All pending Motions are hereby denied as moot. Each party shall bear its own costs and attorneys' fees.

**IT IS SO ORDERED.**

Dated: July 22, 2008

/s/ Myron H. Thompson  
MYRON H. THOMPSON  
UNITED STATES DISTRICT JUDGE